

# EXHIBIT 1

**DECLARATION IN SUPPORT OF ERMAKSAN TURKEY'S**  
**MOTION TO DISMISS**

I, Serhan Senyurt, under penalty of perjury pursuant to the laws of the United States of America, declare and affirm that the following statements are true and correct.

1. I am the Chief of International Sales and Project & Coordination Executive of Ermaksan Turkey ("Ermaksan"). I have personal knowledge about the business operations and corporate structure of Ermaksan.
2. The facts set forth in this declaration are true and correct and are based upon information personally known to me or made upon information and belief after appropriate investigation.
3. Ermaksan is a privately-owned company organized under the laws of Turkey with its principal place of business in Bursa, Turkey.
4. Ermaksan is not incorporated, registered, or licensed to do business in Massachusetts.
5. Ermaksan does not have employees, including management employees, assets, offices, or facilities in Massachusetts.
6. Ermaksan does not have an agent for service of process in Massachusetts.
7. Ermaksan has not and does not own or lease any property in Massachusetts.
8. Ermaksan has not and does not sell any products in Massachusetts.
9. Ermaksan does not ship its press brake machines to customers in Massachusetts or anywhere else, rather its customers pick up the product from Turkey.
10. Ermaksan does not have a bank account in and does not pay taxes in Massachusetts.
11. Ermaksan has not and does not consent to be sued in state or federal court of Massachusetts.
12. Ermaksan has not directly conducted any advertising or marketing activities to or in Massachusetts.
13. Ermaksan has earned no income from sales in Massachusetts.
14. Ermaksan did not sell the subject machine, Type CNC SAP 12X220, Model 2007, Machine Number SN20071136 to any company or person in Massachusetts.
15. The subject machine was sold to AJ Machinery, a company based in Minnesota, in 2007 as evidenced by the invoice attached.

16. The terms of sale for the subject machine were delivery "EXWORKS", meaning that the buyer was responsible for transportation of the product from our factory in Turkey. See attached invoice.

17. In selling the subject machine to AJ Machinery from Turkey, Ermaksan had no control over the destination of the machine and had no knowledge that it would eventually be transported or used or sold in Massachusetts.

18. Ermaksan has never participated in any tradeshow in Massachusetts.

19. Ermaksan does not directly service its products in the United States.

20. All service enquiries for Ermaksan machines from the United States are forwarded to Ermak USA.

21. Ermak USA markets, distributes, and services Ermaksan products in the United States.

22. Ermaksan does not own Ermak USA and Ermak USA is not a subsidiary of Ermaksan.

23. Ermaksan and Ermak USA have separate management and keep separate records.

24. Ermaksan was not involved in the alteration, change, or replacement of the foot pedal of the subject machine.

25. Ermaksan was not involved in the alteration, change, or replacement of the warning labels on the subject machine.

26. Ermaksan has never communicated with or done business with Cape Cod Fabrications, Inc.

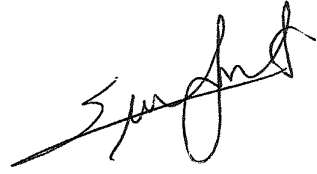
27. Ermaksan receives no income and has never received any income from the cookies on its website, [ermaksan.com.tr](http://ermaksan.com.tr).

28. Ermaksan machines complied with and still does comply with CE standards which certify that a product has met EU health, safety, and environment requirements which ensure consumer safety.

29. I have read the foregoing declaration, and the factual statements contained therein are true and correct to the best of my knowledge, information, and belief.

Signed in Turkey, under penalty of perjury pursuant to the laws of the United States of America this \_\_\_th day of October, 2023.

Date: 10/27/2023

A handwritten signature in black ink, appearing to read 'Serhan Senyurt', written over a horizontal line.

Serhan Senyurt

MAKİNA SERİ NO : SN20071136

ÜRÜN ADI : CNC SAP 3760 x 200 TN ( S ) ✓

A J MACHINERY

U.S.A

SİPARİŞ TARİHİ : 25.09.2007

TESLİM TARİHİ : 11.10.2007

Kontrolör	: DELEM DA 66W (RENKLİ GRAFİK) KONTROLÖR ✓	1
Eksen	: 7 EKSEN (Y1, Y2, X1, X2, Z1, Z2, R) ✓	1
Boğaz Derinliği	: 400 MM BOĞAZ DERİNLİĞİ ✓	1
Üst Kalıp	: AMERİKAN ÜST KALIP ✓	1
Alt Kalıp	: 2009 - 4016 = M.460 - C.1050.R ALT KALIP ✓	1
Kalıp Tutucular	: AMERİKAN PROMECAM (HIZLI DEĞİŞTİRİLEBİLİR) ✓	1
Wila Sistemi	: MOTORLU WILA SİSTEMİ ✓	1
Arka Koruma	: FOTOSEL (FIESSLER CAT.04) ARKA KORUMA ✓	1
Ön Koruma	: PCSS PLC'Lİ LAZER ÖN KORUMA ✓	1
Kürsü	: ÇİFT AYAK PEDALLI ✓	1
Hidrolik Sistem	: HOERBIGER HİDROLİK SİSTEM ✓	1
Elektrik Sistemi	: SIEMENS ELEKTRİK SİSTEMİ ✓	1
Elektrik Gerilimi	: 220-440 V 60/3 ELEKTRİK GERİLİMİ ✓	1
Renk	: RAL 7035 , RAL 9007 RENKLER ✓	1
Etiket	: İNGİLİZCE ETİKET ✓	1
Kullanma Kılavuzu	: İNGİLİZCE KULLANMA KILAVUZU ✓	1
Arka Dayama Sistemi	: ERMAKSAN 5 EKSEN ARKADAYAMA (X:1000MM R:160MM) ✓	1
Diğer	: X1 + X2 AXIS ✓	1
Diğer	: Z1 + Z2 AXIS ✓	1

### ÖZEL İSTEKLER

MAKİNANIN TÜM AYARLARI INCH'LI OLACAKTIR. ✓  
MAKİNANIN ÜZERİNDE CNC SAP 12'X220" YAZACAKTIR. ✓  
MAKİNA FUAR MAKİNASIDIR. YAĞLI SEVK EDİLECEKTİR. ✓  
AZAMI DİKKAT EDİLMESİNİ RİCA EDERİZ. ✓

MAKİNA 7 EKSENDİR ( Y1-Y2, X1-X2, Z1-Z2, R ) ✓

AJ MACHINERY'NİN SN20070859 MAKİNESİ İLE BERABER SEVK EDİLECEKTİR.

27/09/07  
Tebrik Baş  
JH

SATIŞ SORUMLUSU	SATIŞ MÜDÜRÜ	PLANLAMA	26.09.2007
ALİ ÖZKAN	NEŞEHAN ÖZKAYAN		

**A J MACHINERY**

20000-176th St. Big Lake 55309 55309 MN U.S.A

TEL (763) 262-8070

FAX (763) 262-8071

[denine@ajmachinery.net](mailto:denine@ajmachinery.net)[www.ajmachineryonline.com](http://www.ajmachineryonline.com)

ORDER NO : SN20071136

PROF. DATE : 30.03.2023

ORDER DATE : 25.09.2007

REF. NO :

DESCRIPTION OF THE GOODS	QTY	UNIT PRICE	TOTAL PRICE
CNC SAP 3760 x 200 TN HIGH SPEED SYNC. HYD. PRESS BRAKE	1	64.500 USD	64.500 USD
ERMAKSAN 2 AXIS BACKGAUGE (X:1000MM R:160MM)	1	1.000 USD	1.000 USD
X1 + X2 AXIS	1	9.200 USD	9.200 USD
Z1 + Z2 AXIS	1	8.300 USD	8.300 USD
NET TOTAL :			83.000 USD

SPECIFICATIONS	QTY	
DELEM DA 66W COLOR GRAPHICAL CONTROLLER	1	<u>PLEASE CHECK, STAMP AND SIGN TO CONFIRM</u>
7 AXIS (Y1, Y2, X1, X2, Z1, Z2, R)	1	
400 MM THROAT DEPTH	1	
AMERICAN TOP TOOL	1	
2009 - 4016 = M.460-R - C.1050.R BOTTOM TOOLING	1	
AMERICAN PROMECAM QUICK RELEASE	1	
MOTORIZED CROWNING SYSTEM	1	
PHOTOCELL (CAT.04) REAR GUARD FIESSLER/M2000 SICK	1	
LASER SAFETY DOUBLE BEAM FRONT GUARD & PCSS PLC	1	
DOUBLE FOOT PEDAL CONTROLLER	1	
HOERBIGER HYDRAULIC SYSTEM	1	
SIEMENS ELECTRIC SYSTEM	1	
220-440 V 60/3 ELECTRIC VOLTAGE	1	
RAL 7035 , RAL 9007 COLORS	1	
ENGLISH LABEL	1	
ENGLISH MANUAL	1	

Above prices and specifications are subject to change after 10 days from the document date without notice.

DELIVERY DATE : 11.10.2007

DELIVERY TERM : EXWORKS / BURSA

PAYMENT CONDITION : 20% WITH THE ORDER, 80% BEFORE LOADING

OUR BANK DETAILS : CITIBANK A.Ş. / BURSA BRANCH / TURKEY

EUR IBAN CODE :

EUR ACCOUNT NR :

USD IBAN CODE :

USD ACCOUNT NR :

SWIFT CODE :

CITITRIX

INT. SALES EXECUTIVE

GUROL GEROĞLU

SALES MANAGER

NESLIHAN OZKAYAN

WARRANTY : 12 months for parts, Our warranty is limited to replacing parts found to be defective, consumable items not included.

We reserve the right to invoice service visits found to be necessary due to incorrect use of the machine or lack of maintenance.

The responsibility of ERMAKSAN is limited to the clause here above. This limitation excludes liability for indirect damages which include loss of production, turnover or profits.

INSTALLATION AND TRAINING : Installation and training is not included in the machine's price and will be invoiced separately if requested.

Company Address :

Ermaksan Mak. San. Ve Tic. Ltd. Şti.

Yeni Yalova Yolu 15. Km 16335 Ovaakça / Bursa / Turkey

TEL +90 224 267 19 00

FAX +90 224 267 14 40

<http://www.ermaksan.com.tr>[ermaksan@ermaksan.com.tr](mailto:ermaksan@ermaksan.com.tr)